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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 12-mj-70502 JCS
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER CHANGING HEARING DATE
)	AND EXTENDING TIME LIMITS
JOHNNY RAY BURTON, and)	
DAWN MONIQUE MCCANN,)	
)	
Defendants.)	

The Court has set May 15, 2012 as the date for a preliminary hearing or arraignment for the defendant.

The parties hereby stipulate to move the preliminary hearing / arraignment date to May 31, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends

of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: May 14, 2012

/s/
KEVIN J. BARRY
Assistant United States Attorney

DATED: May 14, 2012

/s/
JULIA MEZHINSKY JAYNE
Attorney for JOHNNY RAY BURTON

DATED: May 14, 2012

/s/
ERIC MATTHEW HAIRSTON
Attorney for DAWN MONIQUE MCCANN

[PROPOSED] ORDER

Pursuant to agreement of the parties, the Court sets May 31, 2012, as the date for the arraignment / preliminary hearing. The Court also finds that extension of the time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through May 31, 2012, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 5/15/12

THE HONORABLE
United States Magistrate Judge

